

**BEFORE THE NORTH CAROLINA UTILITIES COMMISSION
DOCKET NO. E-100, SUB 113**

In the Matter of:)	NCSEA’S MOTION FOR
Rulemaking Proceeding to Implement)	EXTENSION OF TIME
Session Law 2007-397)	

NCSEA’S MOTION FOR EXTENSION OF TIME

Pursuant to Rule 27(c)(1) of the North Carolina Rules of Appellate Procedure (“N.C. R. App. P.”), the North Carolina Sustainable Energy Association (“NCSEA”) hereby moves the North Carolina Utilities Commission (“Commission”) for an extension of time to either settle the record on appeal by agreement or serve the proposed record on appeal in the above-captioned proceedings. In support of this motion, the NCSEA states as follows:

1. On June 1, 2015, NCSEA filed in the above-captioned docket *NCSEA’s Requests for Declaratory Ruling and, If Necessary and Appropriate, a Rulemaking (“Request”)* in which NCSEA requested the Commission issue a declaratory ruling that topping cycle combined heat and power constitutes an energy efficiency measure for purposes of N.C. Gen. Stat. § 62-133.9 and Commission Rule R8-67.

2. On July 22, 2015, the Southern Alliance for Clean Energy, an intervenor in the above-captioned docket, filed a letter with the Commission regarding NCSEA’s request.

3. On August 13, 2015, the Commission issued an *Order Requesting Comments*. On August 24, 2015, NCSEA filed initial comments regarding the Commission’s jurisdiction over the issue. On September 28, 2015, Duke Energy Carolinas, LLC and Duke Energy Progress, LLC filed their joint initial comments. On September 30,

2015, the Public Staff filed comments and Dominion North Carolina Power filed a letter regarding NCSEA's request. On October 14, 2015, NCSEA filed reply comments.

4. On June 6, 2016, the Commission issued its *Order on NCSEA's Request*, holding that topping cycle combined heat and power does not constitute an energy efficiency measure for purposes of N.C. Gen. Stat. § 62-133.9 and Commission Rule R8-67.

5. Pursuant to N.C.G.S. § 62-90, NCSEA filed and served its notice of appeal on July 6, 2016.

6. In accordance with Rule 18(d) of the North Carolina Rules of Appellate Procedure, NCSEA has 35 days from July 6, 2016 in which to either settle the record on appeal by agreement with the other parties, or serve a proposed record on appeal upon the other parties. The last date for either action is August 10, 2016 and has yet to expire.

7. NCSEA has worked diligently with the parties to the above-captioned docket that commented on NCSEA's *Request* to settle the record on appeal. However, due to the voluminous number of parties to the above-captioned docket, NCSEA has not been able to secure responses from all other parties to the docket.

8. N.C. R. App. P. 27(c)(1) provides that the Commission may, for good cause shown by the appellant, extend once for 30 days the time permitted in N.C. R App. P. 18 for serving the proposed record on appeal.

9. Because of the voluminous number of parties to the above-captioned docket, and difficulty serving a proposed record on appeal upon some of the parties, NCSEA believes that good cause for a 30 day extension exists in this instance.

10. Counsel for Duke Energy Carolinas, LLC, Duke Energy Progress, LLC, and the Public Staff have been informed of NCCSEA’s motion for an extension of time and do not object.

Respectfully submitted, this the 4th day of August, 2016.

/s/ Peter H. Ledford
Peter H. Ledford
Counsel for NCSEA
N.C. State Bar No. 42999
4800 Six Forks Road, Suite 300
Raleigh, NC 27609
919-832-7601 Ext. 107
peter@energync.org

CERTIFICATE OF SERVICE

I hereby certify that all persons on the docket service list have been served true and accurate copies of the foregoing Comments by hand delivery, first class mail deposited in the U.S. mail, postage pre-paid, or by email transmission with the party’s consent.

This the 4th day of August, 2016.

/s/ Peter H. Ledford
Peter H. Ledford
Counsel for NCSEA
N.C. State Bar No.42999
4800 Six Forks Road, Suite 300
Raleigh, NC 27609
919-832-7601 Ext. 107
peter@energync.org